

AMENDED IN SENATE APRIL 25, 2012

AMENDED IN SENATE MARCH 26, 2012

**SENATE BILL**

**No. 1352**

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**Introduced by Senator Corbett**  
**(Coauthor: Senator Hancock)**

February 24, 2012

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An act to amend Section 11166.3 of the Penal Code, relating to child abuse.

LEGISLATIVE COUNSEL'S DIGEST

SB 1352, as amended, Corbett. Child abuse: investigation and prosecution: child advocacy centers.

Existing law states the intent of the Legislature that the law enforcement agencies and the county welfare or probation department of each county develop and implement cooperative arrangements in order to coordinate existing duties in connection with the investigation of suspected child abuse or neglect cases. Existing law requires a local law enforcement agency having jurisdiction over a reported case of child abuse to report to the county welfare or probation department that it is investigating the case, and requires the county welfare department or probation department, in certain cases, to evaluate what action or actions would be in the best interest of the child and to submit its findings to the district attorney, as specified.

This bill would authorize each county to establish a child advocacy center to coordinate the investigation and prosecution of child abuse. The bill would provide that if a county establishes a child advocacy center, the center shall consist of a representative from the district attorney's office, the sheriff's department or police department, or both those departments, and child protective services and may also include

representatives from medical and mental health, victim advocacy, and any other agency relevant to the identification, investigation, prosecution, and treatment of child abuse. The bill would authorize each county to develop an interagency protocol agreement for the collaborative investigation of child abuse and neglect and would require any member of the child advocacy center to sign the protocol. The bill would require the protocol to define the multidisciplinary team, and to detail how the team will work together, as provided. ~~The bill would require the Senate Office of Research to submit a report on or before January 1, 2015, regarding the counties that have established a child advocacy center, as provided.~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 11166.3 of the Penal Code is amended  
2     to read:  
3     11166.3. (a) The Legislature intends that in each county the  
4     law enforcement agencies and the county welfare or probation  
5     department shall develop and implement cooperative arrangements  
6     in order to coordinate existing duties in connection with the  
7     investigation of suspected child abuse or neglect cases. The local  
8     law enforcement agency having jurisdiction over a case reported  
9     under Section 11166 shall report to the county welfare or probation  
10    department that it is investigating the case within 36 hours after  
11    starting its investigation. The county welfare department or  
12    probation department shall, in cases where a minor is a victim of  
13    actions specified in Section 288 of this code and a petition has  
14    been filed pursuant to Section 300 of the Welfare and Institutions  
15    Code with regard to the minor, evaluate what action or actions  
16    would be in the best interest of the child victim. Notwithstanding  
17    any other provision of law, the county welfare department or  
18    probation department shall submit in writing its findings and the  
19    reasons therefor to the district attorney on or before the completion  
20    of the investigation. The written findings and the reasons therefor  
21    shall be delivered or made accessible to the defendant or his or  
22    her counsel in the manner specified in Section 859.  
23    (b) The local law enforcement agency having jurisdiction over  
24    a case reported under Section 11166 shall report to the district

1 office of the State Department of Social Services any case reported  
2 under this section if the case involves a facility specified in  
3 paragraph (5) or (6) of subdivision (a) of Section 1502, Section  
4 1596.750 or 1596.76 of the Health and Safety Code, and the  
5 licensing of the facility has not been delegated to a county agency.  
6 The law enforcement agency shall send a copy of its investigation  
7 report and any other pertinent materials to the licensing agency  
8 upon the request of the licensing agency.

9 (c) (1) A multidisciplinary approach for the response to  
10 allegations of child abuse and neglect has been found most effective  
11 and least traumatic when coordinated through a child advocacy  
12 center. Each county is authorized to establish a child advocacy  
13 center to coordinate the investigation and prosecution of child  
14 abuse.

15 (A) A child advocacy center is a child-focused, facility-based  
16 program in which representatives from many disciplines, including  
17 law enforcement, child protection, prosecution, medical and mental  
18 health, and victim and child advocacy, work together to conduct  
19 interviews and make team decisions about the investigation,  
20 treatment, management, and prosecution of child abuse cases. This  
21 multidisciplinary team approach protects victims of child abuse  
22 from multiple interviews, results in a more complete understanding  
23 of case issues and provides the most effective child- and  
24 ~~family-focused~~ *family focused* system response possible.

25 (B) If a county establishes a child advocacy center, to maximize  
26 the center's effectiveness, each child advocacy center shall consist  
27 of a representative from the district attorney's office, the sheriff's  
28 department, the police department, and child protective services.  
29 Members may also include representatives from medical and  
30 mental health, victim advocacy, and any other agency relevant to  
31 the identification, investigation, prosecution, and treatment of child  
32 abuse.

33 (2) To further a multidisciplinary response, each county may  
34 develop an interagency protocol agreement for the collaborative  
35 investigation of child abuse and neglect signed by the district  
36 attorney's office, the sheriff's department or police department,  
37 or both those departments, and child protective services. Any other  
38 agency relevant to the identification, investigation, prosecution,  
39 and treatment of child abuse, including, but not limited to, medical

1 and mental health, and victim advocacy, may also sign the protocol.

2 Any member of the child advocacy center shall sign the protocol.

3 (3) If a county enters into an interagency protocol agreement  
4 signed pursuant to paragraph (2), the agreement shall define the  
5 county's multidisciplinary team, the victims—~~that~~ *who* the  
6 multidisciplinary team—~~serve~~ *serves*, and the—~~polices~~ *policies* and  
7 practices directing how the multidisciplinary team will work  
8 together to accomplish the following:

9 (A) Respond effectively to reports of child abuse and neglect.

10 (B) Collect high-quality information to ensure children are  
11 protected and offenders held accountable.

12 (C) Keep the needs of victims and their families at the forefront  
13 of the investigation.

14 (D) Connect victims and families to necessary medical,  
15 therapeutic, and legal support.

16 ~~(4) On or before January 1, 2015, the Senate Office of Research~~  
17 ~~shall submit a report regarding the number of counties that have~~  
18 ~~established a child advocacy center to coordinate the investigation~~  
19 ~~and prosecution of child abuse. The report shall also include, with~~  
20 ~~respect to the members of each child advocacy center, a~~  
21 ~~determination as to which groups are represented, and whether an~~  
22 ~~interagency protocol agreement has been established.~~

23 ~~(5) (A) The requirement for submitting a report imposed under~~  
24 ~~paragraph (4) is inoperative on January 1, 2019, pursuant to Section~~  
25 ~~10231.5 of the Government Code.~~

26 ~~(B) A report to be submitted pursuant to paragraph (4) shall be~~  
27 ~~submitted in compliance with Section 9795 of the Government~~  
28 ~~Code.~~